

SENATE BILL 1203

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 50, Part 5 and Title 68, Chapter 11, Part 1, relative to members of the health facilities commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-50-501(a), is amended by adding the following new subdivision:

(18) Members of the health facilities commission.

SECTION 2. Tennessee Code Annotated, Section 68-11-104, is amended by adding the following new subsection:

(g)(1) No member of the commission may vote, discuss with or seek to influence other members of the commission, or act in any manner on any application or proceeding before the commission in which that member has an actual or apparent conflict of interest. For purposes of this subsection, "actual conflict of interest" means a direct or indirect financial interest in a matter before the commission, or an ongoing business relationship with an individual or entity with business before the commission. For purposes of this subsection, "apparent conflict of interest" means a business,

personal, or familial relationship with an individual or entity having business before the commission that may reasonably appear to impair the objectivity of the member.

(2) Any member having an actual or apparent conflict of interest shall promptly notify the chairman of the commission, or the chairman's designee, of the existence of such conflict. The presence of a member with an actual or apparent conflict of interest shall not be counted for purposes of determining the existence of a quorum as to any vote or action concerning which the member has an actual or apparent conflict.

(3) The membership of any member who violates the provisions of subdivision (1) or (2) shall automatically be terminated. Such member shall be ineligible for reappointment to the commission for a period of three (3) years from the date of such termination.

(4) Any action taken by the commission in which a member with an actual or apparent conflict of interest participated in violation of subdivision (1) or (2) shall automatically be set aside unless it appears from the record of the commission that the same action would have been taken notwithstanding the participation of the member.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.